REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-16, 24, 25, 27, and 30-32 are pending in this case. Claims 1 and 30 are amended by the present amendment. As amended Claims 1 and 30 are supported by the original disclosure,[1] no new matter is added.

In the outstanding Official Action, Claim 30 was rejected under 35 U.S.C. §103(a) as unpatentable over Klosterman (U.S. Patent No. 6,453,471) in view of Marshall et al. (U.S. Patent No. 6,419,137, hereinafter "Marshall") and Picco et al. (U.S. Patent No. 6,029,045, hereinafter "Picco"); Claims 1, 2, 6, 9-11, 13, 25, 31, and 32 were rejected under 35 U.S.C. §103(a) as unpatentable over Klosterman in view of Marshall and Picco and further in view of Connelly (U.S. Patent No. 7,284,261); Claim 3 was rejected under 35 U.S.C. §103(a) as unpatentable over Klosterman in view of Marshall, Picco, and Connelly and further in view of Hölzle et al. (U.S. Patent No. 5,970,249, hereinafter "Hölzle"); Claims 4 and 5 were rejected under 35 U.S.C. §103(a) as unpatentable over Klosterman in view of Marshall, Picco, and Connelly and further in view of Winston (U.S. Patent No. 6,434,653); Claim 7 was rejected under 35 U.S.C. §103(a) as unpatentable over Klosterman in view of Marshall, Picco, and Connelly and further in view of Russo (U.S. Patent No. 5,619,247); Claim 8 was rejected under 35 U.S.C. §103(a) as unpatentable over Klosterman in view of Marshall, Picco, and Connelly and further in view of Kostreski et al. (U.S. Patent No. 5,729,549, hereinafter "Kostreski"); Claims 12 and 24 were rejected under 35 U.S.C. §103(a) as unpatentable over Klosterman in view of Marshall, Picco, and Connelly and further in view of Trovato (U.S. Patent No. 6,701,526); and Claims 14-16 were rejected under 35 U.S.C. §103(a) as unpatentable over Klosterman in view of Marshall, Picco, and Connelly and

[1]See, e.g., the specification at page 12, lines 1-24 and page 13, lines 6-15.

further in view of Inoue et al. (U.S. Patent Publication No. 2002/0016963 A1, hereinafter "Inoue").

Applicants and Applicants' representatives thank Examiner Sheleheda for the courtesy of the interview granted to Applicants' representatives on September 18, 2008. During the interview, differences between the claims and the cited references were discussed. Examiner Sheleheda agreed that proposed amendments to Claims 1 and 30 appeared to overcome the rejection of record. These proposed amendments to Claims 1 and 30 are presented herewith.

With regard to the rejection of Claim 1 under 35 U.S.C. §103(a) as unpatentable over Klosterman in view of Marshall, Picco, and Connelly, that rejection is respectfully traversed.

Amended Claim 1 recites in part "all of the digital television data is in a first data compression format and at least some of the digital audio/visual data sets are in a data compression format different from the first format."

Thus, in the invention recited in Claim 1, the system provides a single broadcast signal which includes broadcast digital television data in a first data compression protocol, such as MPEG-2, transmitted together with a plurality of sets of broadcast data service data in a second data compression protocol, such as MPEG-4. In this example where the first data compression protocol is MPEG-2 and the second data compression protocol is MPEG-4, the more efficiently compressed format MPEG-4 allows the system to provide more of the plurality of sets of broadcast data service data with the broadcast digital television data in the single broadcast signal. It is noted that these data compression protocols are simply provided as an exemplary embodiment, and any data compression protocols known in the art may be used and be within the scope of the claimed invention.

The outstanding Office Action conceded that Klosterman, Marshall, and Picco do not teach this subject matter and cited Connelly as describing this feature.[2]

Connelly describes a broadcasting system which transmits broadcasts from different providers in different formats. The data of each broadcast belongs to one content format.[3] Thus, Connelly describes transmitting digital television data in a variety of different formats. Therefore, it is respectfully submitted that Connelly does not teach or suggest a system for providing a plurality of sets of broadcast data service data transmitted together with broadcast digital television data as part of a broadcast signal wherein "***all of the digital television data is in a first data compression format and*** at least some of the digital audio/visual data sets are in a data compression format ***different from the first format***" as defined in amended Claim 1.

Consequently, as the combination of Klosterman, Marshall, Picco, and Connelly does not teach each and every element of amended Claim 1, Claim 1 (and Claims 2-16, 24, 25, 27, and 32 dependent therefrom) is patentable over Klosterman in view of Marshall, Picco, and Connelly.

With regard to the rejection of Claim 30 under 35 U.S.C. §103(a) as unpatentable over Klosterman in view of Marshall and Picco, that rejection is respectfully traversed.

Claim 30 recites in part:

> a broadcast headend configured to update the plurality of digital audio/video data sets with a priority determined from demand for each set;
>
> a transmitter configured to transmit to the broadcast headend an identity of each user selected set such that the broadcast headend can determine demand for each set.

It is respectfully submitted that none of the cited references describe these features.[4] In fact, as the references generally describe EPG systems, which provide EPG data that does

[2]See the outstanding Office Action at page nine, lines 4-9 and page 10, lines 4-9.
[3]See Connelly, column 2, lines 28-42.
[4]See the outstanding Office Action at page 10, lines 1-12.

not change once the programming schedule is determined, there is no need to update the EPG data. Thus, there is certainly no need to prioritize the update of EPG data based on demand for the EPG data. Accordingly, none of the cited references appear to describe a headend that receives feedback from a user at all, much less a headend that updates a plurality of digital audio/video data sets with a priority determined from demand for each set. Consequently, as the cited references do not appear to teach or suggest "a headend" and "a transmitter" as defined in amended Claim 30, Claim 30 (and Claim 31 dependent therefrom) is also patentable over Klosterman in view of Marshall and Picco.

With regard to the rejection of Claim 3 as unpatentable over Klosterman in view of Marshall, Picco, and Connelly and further in view of Hölzle, it is noted that Claim 3 is dependent from Claim 1, and thus is believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Hölzle does not cure any of the above-noted deficiencies of Klosterman, Marshall, Picco, and Connelly. Accordingly, it is respectfully submitted that Claim 3 is patentable over Klosterman in view of Marshall, Picco, and Connelly and further in view of Hölzle.

With regard to the rejection of Claims 4 and 5 as unpatentable over Klosterman in view of Marshall, Picco, and Connelly and further in view of Winston, it is noted that Claims 4 and 5 are dependent from Claim 1, and thus is believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Winston does not cure any of the above-noted deficiencies of Klosterman, Marshall, Picco, and Connelly. Accordingly, it is respectfully submitted that Claims 4 and 5 are patentable over Klosterman in view of Marshall, Picco, and Connelly and further in view of Winston.

With regard to the rejection of Claim 7 as unpatentable over Klosterman in view of Marshall, Picco, and Connelly and further in view of Russo, it is noted that Claim 7 is dependent from Claim 1, and thus is believed to be patentable for at least the reasons

discussed above. Further, it is respectfully submitted that Russo does not cure any of the above-noted deficiencies of Klosterman, Marshall, Picco, and Connelly. Accordingly, it is respectfully submitted that Claim 7 is patentable over Klosterman in view of Marshall, Picco, and Connelly and further in view of Russo.

With regard to the rejection of Claim 8 as unpatentable over Klosterman in view of Marshall, Picco, and Connelly and further in view of Kostreski, it is noted that Claim 8 is dependent from Claim 1, and thus is believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Kostreski does not cure any of the above-noted deficiencies of Klosterman, Marshall, Picco, and Connelly. Accordingly, it is respectfully submitted that Claim 8 is patentable over Klosterman in view of Marshall, Picco, and Connelly and further in view of Kostreski.

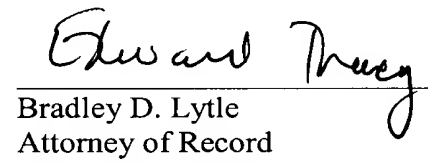
With regard to the rejection of Claims 12 and 24 as unpatentable over Klosterman in view of Marshall, Picco, and Connelly and further in view of Trovato, it is noted that Claims 12 and 24 are dependent from Claim 1, and thus is believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Trovato does not cure any of the above-noted deficiencies of Klosterman, Marshall, Picco, and Connelly. Accordingly, it is respectfully submitted that Claims 12 and 24 are patentable over Klosterman in view of Marshall, Picco, and Connelly o and further in view of Trovato.

With regard to the rejection of Claims 14-16 as unpatentable over Klosterman in view of Marshall, Picco, and Connelly and further in view of Inoue, it is noted that Claims 14-16 are dependent from Claim 1, and thus is believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Inoue does not cure any of the above-noted deficiencies of Klosterman, Marshall, Picco, and Connelly. Accordingly, it is respectfully submitted that Claims 14-16 are patentable over Klosterman in view of Marshall, Picco, and Connelly and further in view of Inoue.

Accordingly, the outstanding rejections are traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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